

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

DELTBER KEYES

PLAINTIFF

v.

CIVIL ACTION NO. 1:22-cv-5-TBM-RPM

JARITA BIVENS *et al.*

RESPONDENT

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on the submission of the Report and Recommendation [39] entered by United States Magistrate Judge Robert P. Myers on January 10, 2024. Judge Myers recommends granting Defendants' Motion for Summary Judgment [32] and dismissing Deltber Keyes' Complaint¹ under 42 U.S.C. § 1983 with prejudice. Judge Myers further recommends assessing Keyes a strike under 28 U.S.C. § 1915(g). Keyes has not filed an objection to the Report and Recommendation, and the time for filing an objection has expired.

“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” FED. R. CIV. P. 72(b) advisory committee's note to 1983 addition (citations omitted); *see Casas v. Aduddell*, 404 F. App'x 879, 881 (5th Cir. 2010) (“When a party fails timely to file written objections to the magistrate judge's proposed findings, conclusions, and recommendation, that party is barred from attacking on appeal the unobjected-to proposed findings and conclusions which the district court accepted, except for plain error”) (citing *Douglass v. United Serv. Auto Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc); 28 U.S.C. § 636(b)(1)). Having considered Judge Myers' Report and Recommendation, the Court finds it is neither clearly erroneous nor contrary to law.


¹ Encompassing both Keyes' Original Complaint [1] and Amended Complaint [18].

IT IS THEREFORE ORDERED AND ADJUDGED that Report and Recommendation [39] entered by United States Magistrate Robert P. Myers on January 10, 2024, is ADOPTED as the opinion of the Court.

IT IS FURTHER ORDERED AND ADJUDGED that Defendants' Motion for Summary Judgment [32] is GRANTED.

IT IS FURTHER ORDERED AND ADJUDGED that Deltber Keyes' claims are DISMISSED WITH PREJUDICE, and Keyes is assessed a STRIKE under 28 U.S.C. § 1915(g).

THIS, the 8th day of February, 2024.


TAYLOR B. McNEEL
UNITED STATES DISTRICT JUDGE